

DATA PROTECTION OFFICE NEWS

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Post Brexit data sharing considerations

As of December 31st, 2020, the UK will be considered a “third country” in terms of data protection. This means data can’t be shared with the EU based on an “adequacy decision”, as it has been previously. As data controllers, you need to review your data flows to ascertain if any are to and from the EU. I have attached a template letter, which can be amended and sent to any EU based data controllers or processors.



Draft Supplier
Assurance Letter.doc

If you require any support with this work, or any further information, please do not hesitate to contact me.

Please note, NHS Digital have had assurance from the Cabinet Office that data flows associated with Microsoft Office products will continue.

Data Sharing agreements on the ISG (Information Sharing Gateway)

The frailty LHCRE DPIA has recently been uploaded onto the ISG for practices in the Stalybridge locality. This agreement will enable the sharing of patient-centred plans between GPs and the T&G ICFT. The DPIA for the Cievert appointment booking app for the COVID 19 vaccination programme has also been uploaded onto the ISG for data controller sign off for practices in Tameside & Glossop.

The DPIA relating to University research teams accessing the GM Care Record has just been uploaded onto the ISG for data controllers in Oldham to sign off and it should be on the ISG for practices in Tameside & Glossop in the next few weeks.

Social Prescribing

As you know, the provision of Social Prescribing is part of the PCN contract, and it is being rolled out to benefit patients across the West Pennine footprint. I was recently contacted by the Information Commissioner's Office, as a patient had complained that they were contacted by a social prescribing provider, but they had not given consent for the practice to share their details and make the referral.

Social prescribing is considered Direct Healthcare and to that end, a GP Practice can share/ process a patient's data using the following legal basis:

GDPR Article 6 (1)(e) - Delivery of Social Prescribing is a public function - it is required of GP Practices as a Directed Enhanced Service under their contract with NHS England.

Article 9 (2) (h) - medical diagnosis, the provision of health and social care or treatment or the management of health or social care systems...'

However, this ICO case highlights the fact that consent from the patient needs to be embedded into the social prescribing referral process as a matter of course, in order to avoid the patient receiving a "surprise phone call" from the Social Prescriber and the Practice a surprise call from the ICO.

If you require any further information, please do not hesitate to contact me at jane.hilldpo@nhs.net or westpenninelmc@btconnect.com, or mobile 07951 530 417